

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No.: 10/077,520
Filed: February 15, 2002
Inventor:
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§ Examiner: Boutah, Alina A.
§ Group/Art Unit: 2143
§ Atty. Dkt. No: 5181-78701

Title: System and Method for
Batch Tuning Intelligent
Devices

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in reply to the Examiner's Answer mailed March 19, 2008. Appellant respectfully requests that this Reply Brief be entered pursuant to 37 C.F.R. § 41.41 and considered by the Board of Patent Appeals and Interferences.

REPLY

Appellant's arguments from the Appeal Brief filed December 14, 2007 regarding the rejection of the claims are herein incorporated by reference.

First ground of rejection:

Claims 1-5, 7-18, 23-56, 60-66, 68, 69 and 72 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Horman (U.S. Patent 6,785,706) in view of Mossman (U.S. Publication 2002/0124061). Appellant traverses this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

Claims 1, 9, 10, 16, 23, 24, 41, 48, 52, 66, and 68:

1. ***The cited art clearly fails to teach or suggest accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device.***

The Examiner previously cited Horman (abstract, column 1, line 66 – column 2, line 6) in teaching an administrative control server configured to change the configurations of administered servers according to synchronization instructions generated from configuration information stored on the administrative control server, and relied on Mossman to teach the configuration files being accessed on the intelligent device itself. Appellant argued that in Mossman, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored on the server (not on the intelligent device). Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting this limitation. In the Response to Arguments section of the Office Action dated August 23, 2007, the Examiner cites Horman as defining what is in the configuration file. However, this

citation describes what is included in a database definition and does not teach the configuration file of Appellant's claims. Appellant again asserted that data obtained from a user through a graphical user interface (Mossman) and stored on a server is clearly not analogous to accessing configuration files on an intelligent device, as recited in claim 1.

In her Answer, the Examiner repeats her assertion that Horman teaches a control server that changes the configuration of administered servers, and that the configuration of the administered server is interpreted as the configuration file of the intelligent device as claimed. The Examiner cites Horman column 5, lines 22-32 as defining what is in a configuration file, and submits that in this passage, "it is referred to the end-user application." The Examiner notes that it is well known in the computing art that an end-user application comprises software components. Again, Appellant asserts, and the Examiner has agreed, that Horman does not teach or suggest configuration files (e.g., for Horman's database definition) being accessed on the intelligent device itself. The Examiner repeats her assertion that Mossman teaches this limitation, stating, "In order to collect data from the user, it must be accessible to the server." Appellant asserts that data being accessible to the server does not require (or even suggest) that this data is contained in a configuration file on the intelligent device itself (e.g., a device on which a software component is to be configured), as required by Appellant's claim. Instead, Mossman explicitly teaches the collecting of data directly from a user through a graphical user interface. In fact, as illustrated in FIG. 1, none of the devices to be controlled in Mossman (13a-13c) is the device through which the user enters data using the GUI. **Therefore, Horman in view of Mossman clearly does not teach or suggest the above-referenced limitation of claim 1.**

2. **The cited art clearly fails to teach or suggest generating the batch configuration document from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device.**

The Examiner previously cited Horman (column 5, lines 43-55) as teaching this limitation. Appellant argued that there is nothing in this citation, or elsewhere in the combination of Horman and Mossman, that teaches or suggests that these synchronization scripts or synchronization instructions include configuration information for the plurality of software components of the intelligent device, as recited in claim 1. Appellant also argued that a batch file that includes an end-user application or a software component has no bearing on what is actually recited in claim 1, generating the batch configuration document from the plurality of configuration files that include configuration information for software components, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device. There is nothing in the cited references that teaches or suggests that any of the “batches” of Horman are generated from configuration files on a device targeted for configuration using the batch, as in Appellant’s claim. In addition, there is nothing in Horman that describes that one of the “batches” of Horman includes configuration information for software components on that device that was included in the configuration files from which they were generated (i.e., those on a device targeted for configuration using the batch), as required by claim 1.

In her Answer, the Examiner merely repeats her assertion that the references teach: “generating a batch file that is specific to a group. The batch file includes the end-user application as well as database definition.” **Again, this clearly does not teach or suggest the specific limitations recited in claim 1 regarding generating a batch configuration document from configuration information for software components on an intelligent device contained in configuration files on the intelligent device itself.** The combined references clearly do not teach or suggest these limitations.

3. The cited art clearly fails to teach or suggest the batch configuration document is accessible for use in configuring the plurality of software components of the intelligent device whose configuration files were used in said generating the batch configuration document.

The Examiner previously cited Horman (column 5, lines 43-55 and column 5, line 66 – column 6, line 5) as teaching this limitation. Appellant again argued that there is nothing in the combination of Horman and Mossman that teaches or suggests using a batch configuration document to configure a plurality of software components on the same intelligent device whose configuration files were used in generating a batch configuration document and that the Examiner’s citation does not teach “generating batches” at all, but merely teaches the use of scripts known as “batches” for database definitions and data, without describing their generation.

In her Answer, the Examiner merely states: “Horman teaches a group batch that includes components of an intelligent device. The control server synchronizes each of the group batches by the creation of parameterized scripts. In other words, when the synchronization script is executed, the software component of the intelligent device is changed.” Appellant again asserts that the Examiner is describing the use of a parameterization script, not its generation. **Appellant again asserts that Horman does not describe the generation of these parameterized scripts, as the Examiner suggests, much less in the specific manner recited in claim 1.**

4. The Examiner has not established a sufficient reason to combine the references.

The Examiner previously submitted that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use. **Appellant argued that the Examiner’s assertion is completely unsupported by any evidence of record.** Mossman does not teach or suggest this limitation. Furthermore, Horman purposefully changes the configurations of its administered servers without this feature. In fact, the Examiner admits, “Horman does not explicitly teach the configuration files being accessed on the intelligent device itself.” As shown above, the feature is not clearly taught by Mossman either, whether considered alone or in combination with Horman.

Thus, the Examiner's stated reason to combine the references is based on teachings that are not actually present in the evidence of record. Therefore, the Examiner has failed to provide sufficient reason to combine the references. Moreover, even if the references were combined, the resultant combination would not produce Appellant's claimed invention, as shown above.

In her Answer, the Examiner points out that the teaching-suggestion-motivation (TSM) test is one of a number of valid rationales that could be used to determine obviousness, but that it is not the only rationale that may be relied upon to support a conclusion of obviousness. **The Examiner does not, however, rebut Appellant's argument above, nor does she provide any additional remarks regarding a reason to combine the references.** While the teaching-suggestion-motivation (TSM) test may not be the only valid rationale that could be used to determine obviousness, the Examiner still has the burden to establish a valid rationale supported by evidence of record. As discussed above, the Examiner's reason to combine the references is unsupported completely conclusory and not supported by any evidence of record, and the combination of the references fails to teach or suggest all the limitations of claim 1.

For at least the reasons above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested.

Appellant's arguments above regarding claim 1 apply also to claims 16, 41, 48, and 66, which recite similar limitations and were rejected under the same rationale as claim 1.

Claim 70:

1. The Examiner has failed to state a *prima facie* rejection of claim 70.

In the Appeal Brief filed December 14, 2007, Appellant noted that claim 70 is not included in the listing of claims rejected under the first or second ground of

rejection. In the Office Action mailed August 23, 2007, the Examiner included in her remarks, “Claims 70 and 72 are similar to claims 41 and 47, respectively, therefore are rejected under the same rationale.” Therefore, Appellant assumes that the omission of claim 70 in the listing of claims rejected under the first ground of rejection was an inadvertent oversight by the Examiner, and that claim 70 was meant to be included in this listing. **Appellant notes that the Examiner did not address this oversight in her Answer.**

2. The cited art fails to teach or suggest the limitations of claim 70.

Claim 70 includes limitations similar to those discussed above regarding claim 1 and the Examiner rejected this claim along with others listed above. Therefore, the arguments presented above apply with equal force to this claim, as well.

For at least the reasons above, the rejection of claim 70 is not supported by the cited art and removal thereof is respectfully requested.

Claim 33 and 37:

1. The cited art clearly fails to teach or suggest generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device.

As discussed above, regarding claim 1, Horman in view of Mossman fails to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests generating the batch configuration document on a first intelligent device and using it to configure software components on a second intelligent device, as recited in claim 33. In the Response to Arguments section of the Office Action mailed August 23, 2007, the Examiner asserts, “[t]he control server creates a

synchronization script. The synchronization script is used to configure the administered servers.” A synchronization script does not teach or suggest generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device. Appellant asserts that Horman and Mossman clearly do not teach this limitation.

Appellant notes that the Examiner does not include any additional remarks regarding this claim in her Answer, but merely repeats the remarks made in the previous Office Action.

For at least the reasons above, the rejection of claim 33 is not supported by the cited art and removal thereof is respectfully requested.

Claims 56 and 60:

1. The cited art clearly fails to teach or suggest *a plurality of software components and a plurality of configuration files, wherein each of the plurality of configuration files is associated with one of the plurality of software components, and wherein each of the plurality of configuration files includes configuration information for its associated component.*

The Examiner previously cited Horman (abstract; column 1, line 66 – column 2, line 6) as teaching these limitations. However, as discussed above, Horman does not describe configurable software components of an intelligent device, with associated configuration files including configuration information for the software components.

In her Answer, the Examiner merely repeats her assertions, “Horman teaches user-end applications (software components) and script files (configuration files).” Appellant again asserts that, as discussed above, the user-end applications and script files do not teach or suggest the specific limitations of the configuration files of

Appellant's claims.

2. The cited art clearly fails to teach or suggest *the batch configuration document comprises configuration information for the plurality of software components of the intelligent device and apply the configuration information from the batch configuration document to the plurality of configuration files on the intelligent device.*

The Examiner previously referred to Horman, figure 5A, as teaching these limitations. Figure 5A describes a synchronization procedure in which parameters of sync scripts may be replaced with new values before being downloaded and executed on an administered server to synchronize it with its group. However, there is nothing in figure 5A, or elsewhere in Horman, that teaches or suggests applying configuration information from a batch document to configuration files located on the intelligent device, as recited in claim 56. In the Office Action dated March 20, 2006, the Examiner admitted that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself, and submitted that Mossman teaches this limitation in the abstract and FIG. 5. However, the Examiner is incorrect. As discussed above, FIG. 5 and its accompanying description clearly depict configuration documents 132 on the server, not on an intelligent device to be configured. Similarly, FIG. 3 of Mossman illustrates configuration parameters relations database 64 and parameter values database 60 on configuration system 10, which is on the server side of system 100 (see FIG. 5). As illustrated in FIGs. 3 and 5, data is collected from the user using a GUI (not accessed from a configuration file on an intelligent device) and stored in the parameters values database 60 on the server. Information displayed for the user comes from configuration parameter relations database 64, which is also on the server. Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting applying the configuration information from the batch configuration document *to the plurality of configuration files on the intelligent device*, as recited in claim 56.

Appellant notes that the Examiner does not address this argument in her Answer.

3. The Examiner has not established a sufficient reason to combine the references.

The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use (Mossman [0005]). Appellant asserts, however, that Mossman does not teach or suggest this limitation. Furthermore, Horman changes the configurations of its administered servers without this feature. Therefore, the Examiner has failed to provide a sufficient reason to combine the references.

Appellant notes that the Examiner does not address this argument in her Answer.

For at least the reasons above, the rejection of claim 56 is not supported by the cited art and removal thereof is respectfully requested.

Claim 2:

1. The cited art clearly fails to teach or suggest *wherein said accessing the plurality of configuration files and said generating the batch configuration document are performed by executing a script on the intelligent device, wherein the script includes one or more executable instructions for selecting the plurality of configuration files to be accessed and one or more executable instructions for performing said generating the batch configuration document.*

The Examiner previously cited Horman (abstract; col. 1, line 66 – column 2, line 6; FIG. 1) as teaching these limitations. This passage describes “the control server can

change the configurations of the administered servers to a new desired configuration for each administered server where the new configuration is in synchronization with the configuration of each of said other administered server, by generating synchronization instructions from parameterized synchronization scripts stored in the control database.” It does not describe generating the batch configuration document of Appellant’s claims by executing a script on the intelligent device. The synchronization scripts do not meet the limitations recited in Appellant’s claims for the batch configuration document of the present invention, nor are they generated on the intelligent device from which configuration information for multiple software components were accessed, but on the control server.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 2 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 3:

1. ***The cited art clearly fails to teach or suggest prior to said accessing the plurality of configuration files, configuring the plurality of software components of the intelligent device, wherein said configuring the plurality of software components sets the configuration information in the plurality of configuration files.***

The Examiner again cited Horman (abstract; col. 1, line 66 – column 2, line 6) as teaching these limitations. However, as discussed above, this passage describes a control server generating synchronization instructions for synchronizing administrative servers using synchronization scripts stored in a control database. It does not teach or suggest anything about configuring software components on one of the administrative servers

prior to accessing configuration files on those servers (from which a batch configuration document is to be generated), as in claim 3.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 3 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 4:

1. The cited art clearly fails to teach or suggest *transferring the batch configuration document to another intelligent device for use in configuring one or more software components of the other intelligent device.*

The Examiner previously cited Horman (col. 2, lines 28-41) as teaching this limitation. This passage describes executing a script of commands at each database server to optimize memory allocation configuration. It does not describe the batch configuration document of Appellant's claims (i.e., one generated on an intelligent device from configuration files on that device corresponding to software components on that device), much less transferring such a document to another device for use in configuring software components on the other device.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 4 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 5:

1. The cited art clearly fails to teach or suggest *wherein the batch configuration document further includes configuration information for one or more software components of one or more other intelligent devices.*

The Examiner again cited Horman (abstract; col. 1, line 66 – col. 2, line 6; and FIG. 1) as teaching this limitation. However, Horman does not describe the batch configuration document of Appellant's claims, nor that such a batch configuration document generated on one device from the configuration files associated with software components on that device includes configuration information for software components on another device, as recited in claim 5. Instead, Horman describes synchronization script templates on a control server used to configure administrative servers.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 5 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 7:

1. The cited art clearly fails to teach or suggest *configuring one or more of the plurality of software components of the intelligent device using the batch configuration document, wherein said configuring comprises applying the configuration information from the batch configuration document to one or more of the plurality of configuration files, wherein each of the one or more of the plurality of configuration files is associated with one of the one or more of the plurality of software components of the intelligent device.*

The Examiner previously cited Horman (col. 5, lines 43-55; and col. 5, line 64 – col. 6, line 5) as teaching these limitations. These passages describe the database definitions may be set up using scripts known as batches and that group batches are associated with particular application versions. It does not describe configuring databases using the batch configuration document of Appellant's claims, nor applying configuration information from such a batch configuration document (generated on one intelligent device from configuration files on that device associated with software components on that device) to the configuration files on that device.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 7 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 8:

1. ***The cited art clearly fails to teach or suggest configuring the one or more of the plurality of software components of the intelligent device further comprises initializing each of the one or more of the plurality of software components, wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component.***

The Examiner previously cited Horman, column 7, lines 32-36 as teaching this limitation. However, this passage describes modeling an initial deployment by creating an install image based on the model office administered server. This has nothing to do with configuring a plurality of software components of an intelligent device, nor with initializing the software components using configuration information from associated configuration files. In the Response to Arguments section of the Office Action mailed August 23, 2007, the Examiner states, “It is well known in the art that in order to execute

a software, it must be initialized.” The Examiner has clearly not addressed all of the limitations in the Appellant’s claim, such as **configuring a plurality of software components of an intelligent device further comprises initializing each of the one or more of the plurality of software components, wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component.**

In her Answer, the Examiner merely states, “it is well known in the art that in order to execute software, it must be initialized.” Appellant asserts that this general statement does not teach or suggest the specific limitations of claim 8, which requires that one or more software components of an intelligent device is initialized using the configuration information from the one or more configuration files associated with the particular component. Appellant again asserts that the cited art does not teach this limitation.

For at least the reasons above, the rejection of claim 8 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 11:

1. The cited art clearly fails to teach or suggest *wherein the plurality of software components includes software drivers for hardware components.*

The Examiner previously cited Horman (col. 6, line 57 – col. 7, line 2) as teaching this limitation. **While this passage includes the word “hardware,” it has absolutely nothing to do with the limitations of claim 11 regarding software drivers for hardware components.** Instead, this passage includes the following, “The hardware on which the DBMS and the business application run can be any laptop or desktop computer on which any of the supported operating systems is running.”

In her Answer, the Examiner submits that although Horman does not explicitly teach this limitation, “one of ordinary skill in the art would have recognized that this is well known in the art. In order for any application to work in a computer, there must be a hardware driver that enables the hardware to perform functions. One of ordinary skill in the art would have been motivated to include software drivers in order to enable the hardware to perform functions.” **Appellant asserts that any implied requirement for the presence of software drivers in a computer system has nothing to do with the limitations recited in claim 11.** This claim does not recite the presence of software drivers in a computer system, but recites that such software drivers are the software components configured in the manner recited in Appellant’s claims. **Nothing in the Examiner’s remarks, or in any evidence of record, requires (or even suggests) that software drivers, which may or may not be required in order for some applications to “work in a computer” are configurable according to the limitations recited in claim 1, from which claim 11 depends.**

For at least the reasons above, the rejection of claim 11 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 12, 38, 45, 53, and 61:

1. **The cited art clearly fails to teach or suggest *wherein at least one of the plurality of configuration files includes operating system configuration information for the intelligent device.***

The Examiner previously cited Horman (col. 6, line 57 – col. 7, line 2) as teaching this limitation. **While this passage includes the phrase “operating systems,” it has absolutely nothing to do with the limitations of claim 12** regarding configuration files including operating system configuration information for an intelligent device. Instead, it includes the following, “The hardware on which the DBMS and the business application run can be any laptop or desktop computer on which any of the supported operating systems is running.”

In her Answer, the Examiner includes an additional citation in Horman (column 8, lines 14-16), but does not include any remarks about how this passage teaches the above-referenced limitation. This passage actually states, “As an example, a script can be a database command, an SQL statement, or an operating system command.” This passage describes an example of the use of a function of the operating system. This teaches absolutely nothing about claim 12. The use of an “operating system command” in a script does not have anything to do with a configuration file containing configuration information for the operating system, as the Examiner suggests.

For at least the reasons above, the rejection of claim 12 is unsupported by the cited art and removal thereof is respectfully requested.

Appellant’s arguments above regarding claim 12 apply also to claims 38, 45, 53, and 61, which recite similar limitations and were rejected under the same rationale as claim 12.

Claims 13-14, 27-28, 35, 46, 54, 62, 69, and 72:

1. The cited art clearly fails to teach or suggest the batch configuration document is a markup language document (as in claim 13).

The Examiner previously cited Mossman (paragraph 0091) as teaching this limitation. While this paragraph describes configuration documents that are static files stored in an extensible Markup Language (XML) format, these documents are not batch configuration documents, as recited in Appellant’s claims. Instead, each is a configuration document containing instructions to manage a (single) configuration instance 80. There is nothing in this paragraph, or elsewhere in Mossman, that teaches or suggests a batch configuration document is a markup language document, such as XML, as recited in claim 13. The Examiner has not cited anything in Horman or Mossman that teaches or suggests this limitations.

2. The Examiner has not established a sufficient reason to combine what is known in the art with the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination.

In the Response to Arguments section of the Office Action mailed August 23, 2007, the Examiner stated, “Mossman teaches configuration files being XML format. The use of batch files have been known in the art. It being a mark up language is a matter of design choice. Therefore, although not explicitly taught, this feature is obvious in the art.” **Appellant asserts, however, that the Examiner has failed to provide any reason that it would be obvious to combine what is known in the art with the teachings of Horman and Mossman.**

Appellant notes that the Examiner does not address the arguments above in her Answer, but merely repeats the remarks made in the Office Action of August 23, 2007.

For at least the reasons above, the rejection of claims 13 is unsupported by the cited art and removal thereof is respectfully requested.

Similar remarks as those discussed above regarding claim 13 apply also to dependent claims 14, 27-29, 35-36, 46-47, 54-55, 62-63, 69, and 72, which include limitations similar to those of claim 13.

Claims 15, 29, 36, 47, 55, 63, 69, and 72:

1. The cited art clearly fails to teach or suggest *wherein the batch configuration document and the plurality of configuration files conform to an eXtensible Markup Language (XML) Document Type Definition (DTD)* (as in claim 15).

The Examiner again cited Mossman (paragraph 0091) as teaching this limitation. While this paragraph describes configuration documents that are static files stored in an extensible Markup Language (XML) format, these documents are not batch configuration documents, as recited in Appellant's claims. Instead, each is a configuration document containing instructions to manage a (single) configuration instance 80. There is nothing in this paragraph, or elsewhere in Mossman, that teaches or suggests a batch configuration document is a markup language document, such as XML, or the specific limitations of claim 15 regarding the use of XML for a batch configuration document, or conformity to an XML Document Type Definition (DTD). There is nothing in the cited references teaching batch configuration documents conforming to an XML DTD.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Mossman without including any remarks at all.

For at least the reasons above, the rejection of claims 15 is unsupported by the cited art and removal thereof is respectfully requested.

Similar remarks as those discussed above regarding claim 15 apply also to dependent claims 29, 36, 47, 55, 63, 69, and 72, which include limitations similar to those of claim 15.

Claim 17:

1. The cited art clearly fails to teach or suggest *wherein said applying the configuration information from the batch configuration document to each of the one or more configuration files comprises replacing one or more current parameter values in the particular configuration file with new parameter values from the batch configuration document.*

The Examiner previously cited Horman (col. 2, lines 50-65) as teaching these limitations. First, Appellant asserted that the cited art does not teach the batch configuration document of Appellant's claims. In addition, this passage describes replacing parameters in a parameterized script template when instantiating an actual script. It has nothing to do with applying configuration information in such a batch configuration document to configuration files associated with software components on an intelligent device by replacing parameter values in those configuration files with parameter value from such a batch configuration document.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 17 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 18:

1. ***The cited art clearly fails to teach or suggest wherein said accessing and said applying are performed by executing a script on the intelligent device, wherein the script includes one or more executable instructions for accessing the batch configuration document and one or more executable instructions for selecting the one or more configuration files to be configured.***

The Examiner again cites Horman (col. 2, lines 50-65) as teaching these limitations. However, as discussed above, this passage describes the instantiation of a script to be executed on a database server. It does not describe that this script includes the instructions for accessing and selecting recited in claim 18, much less that it accesses a batch configuration document, such as that of Appellant's claims, or applies the configuration information therein to selected configuration files on the intelligent device.

Appellant notes that the Examiner does address the argument above in her Answer, but merely repeats her citation in Horman without including any remarks at all.

For at least the reasons above, the rejection of claim 18 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 30, 39, and 64:

1. *The cited art clearly fails to teach or suggest the method as recited in claim 16, further comprising rebooting the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein said rebooting applies the configuration information from the one or more configuration files to one or more of the plurality of software components of the intelligent device.*

The Examiner relied on Mossman (paragraph 0153) to teach this limitation. However, this paragraph teaches away from this limitation, by describing that, “If these settings were established directly to the system 12 a system reboot would be required,” but that “in the configuration system 10 of the present invention, the settings and the required reboot invocation are applied to the virtual system 16”, rather than directly to the actual system 12. Furthermore, there is nothing in this paragraph or elsewhere that describes that rebooting applies configuration information from one or more configuration files to one or more software components of the intelligent device, as recited in claim 30. In the Response to Arguments section of the Office Action mailed August 23, 2007, the Examiner states, “It is well known in the computer art that in order for any change or configuration to take place, the computer must be rebooted.” Appellant asserts, however, that the Examiner has not cited anything in Horman or Mossman that teaches or suggests all of the specific limitations of claim 30.

Appellant notes that the Examiner does address the argument above in her

Answer, but merely repeats her assertion that in order for any change or configuration to take place, the computer must be rebooted.

2. The Examiner has not established a reason to combine the teachings of Horman and Mossman in his remarks regarding this claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination.

Appellant notes that the Examiner does address the arguments above in her Answer.

Appellant's arguments above regarding claim 30 apply also to claims 39 and 64, which recite limitations similar to those of claim 30 regarding rebooting.

Claims 31 and 65:

1. The cited art clearly fails to teach or suggest *initializing one or more of the plurality of software components of the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein, in said initializing, each of the one or more of the plurality of software components is initialized using the configuration information from each of the one or more configuration files associated with the particular component.*

The Examiner relied on Mossman (paragraph 108) as teaching this limitation. This paragraph describes only that a web server has the responsibility to “verify that the system output interface 66 can be initialized on start-up”. This has nothing to do with initializing one or more software components of an intelligent device after applying configuration information from a batch document to configuration files or with initializing each software component using configuration information from its associated configuration file. Nowhere does Horman, Mossman, or any combination thereof, teach or suggest this limitation.

2. The Examiner has not established a sufficient reason to combine the teachings of Horman and Mossman in his remarks regarding this or any other claim of the present invention, and there is nothing in these references or any other art of record to suggest such a combination.

Appellant notes that the Examiner does address the arguments above in her Answer.

For at least the reasons above, the rejection of claim 31 is unsupported by the cited art and removal thereof is respectfully requested.

Appellant's arguments above regarding claim 31 apply also to claim 65, which recites limitations similar to those of claim 31 regarding initializing software components.

Claim 32:

1. The cited art clearly fails to teach or suggest *generating the batch configuration document on a different intelligent device prior to said accessing*.

The Examiner cited Horman (col. 8, lines 45-55) as teaching this limitation. This passage describes that an application version is set at the administered server and reported to the administrative control server prior to synchronization. **It has absolutely nothing to do with the limitations of claim 32.**

Appellant notes that the Examiner does address the argument above in her Answer.

For at least the reasons above, the rejection of claim 31 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 34:

1. The cited art clearly fails to teach or suggest *wherein said configuring comprises applying configuration information from the batch configuration document generated on the first intelligent device to one or more configuration files on the second device, wherein each of the one or more configuration files on the second intelligent device is associated with one of the one or more software components of the second intelligent device.*

The Examiner again cited Horman (abstract; and col. 1, line 66 – col. 2, line 6) as teaching these limitations. This passage describes that a control server can change the configuration of administered servers by generating synchronization instructions from synchronization scripts. As discussed above, Horman does not teach the batch configuration document of Appellant's claims, or the application of such batch configuration documents in the manner recited in claim 34.

Appellant notes that the Examiner does address the argument above in her Answer.

For at least the reasons above, the rejection of claim 34 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 40:

1. The cited art clearly fails to teach or suggest *storing the generated batch configuration document on a server, wherein the server is coupled to the second intelligent device via a network.*

The Examiner cited Horman (col. 1, line 60 – col. 2, line 6) as teaching this limitation. First Appellant's again assert that the cited art does not teach the batch

configuration document of Appellant's claims (i.e., one generated as recited in claim 33). These passages of Horman do not teach storing such a batch configuration document on a server. Instead, they teach storing parameterized script templates and "batches" in an administrative control database, neither of which meets the limitations recited for Appellant's batch configuration document.

Appellant notes that the Examiner does address the argument above in her Answer.

For at least the reasons above, the rejection of claim 40 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 42:

1. **The cited art clearly fails to teach or suggest *wherein the batch configuration document is further accessible for use in configuring other pluralities of intelligent devices.***

The Examiner cites Horman (abstract) as teaching this limitation. This passage describes parameterized synchronization script templates stored in the control database. However, as discussed above, these synchronization script templates do not meet the recited limitations for Appellant's batch configuration documents (e.g., regarding their generation or contents), much less that such a batch configuration document is accessible for use in configuring devices other than those that include the configuration files from which the batch configuration document was generated.

Appellant notes that the Examiner does address the argument above in her Answer.

For at least the reasons above, the rejection of claim 42 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 43-44, and 51-52:

1. The Examiner failed to address the differences between claims 43-44 and claims 3-4; therefore, the Examiner has failed to state a *prima facie* rejection of claims 43-44.

The Examiner rejected claims 43-44 under the same rationale as claims 3-4. However, claims 43 and 44 are directed toward completely different subject matter than claims 3-4, none of which was addressed by the Examiner in remarks regarding claims 43-44. Therefore the rejection is improper. Appellant asserts that the Examiner has not cited anything in the references to teach or suggest these limitations.

Claims 51-52 recite limitations similar to those of claims 43-44 and were rejected under the same rationale as claims 43-44. However, as discussed above, the rejection of claims 43-44 is improper, as it was based on the rejection of dissimilar claims 3-4. Therefore the rejection of claims 51-52 is also improper.

Appellant notes that the Examiner does address the arguments above in her Answer.

For at least the reasons above, the rejection of claims 43-44 and 51-52 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 49:

1. The Examiner failed to address the differences between claim 49 and claim 42; therefore, the Examiner has failed to state a *prima facie* rejection of claim 49.

The Examiner rejected claim 49 under the same rationale as claim 42. However, the scope of claim 49 differs from that of claim 42, and these differences were not addressed by the Examiner. For example, claim 49 recites *wherein the batch configuration document is further transferable to another intelligent device*. No such limitation is present in claim 42. In addition, claim 49 recites that the other intelligent device comprises *one or more software components similar to software components comprised in the plurality of software components of the intelligent device for use in configuring the other intelligent device*. No such limitation is present in claim 42. Instead, claim 42 recites, in its entirety, “The method as recited in claim 41, wherein the batch configuration document is further accessible for use in configuring other pluralities of intelligent devices.” Since the Examiner failed to address these limitations of claim 49, the rejection is improper. **Appellant asserts that the Examiner has not cited anything in the references to teach or suggest these limitations, and that the references do not, in fact, teach these limitations.**

Appellant notes that the Examiner does address the argument above in her Answer.

For at least the reasons above, the rejection of claim 49 is unsupported by the cited art and removal thereof is respectfully requested.

Second ground of rejection:

Claims 6, 19-22, 57-59, 67 and 71 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Horman in view of Mossman and in further view of Shafron et al. (U.S. Publication 2003/0014479) (hereinafter “Shafron”). Appellant traverses this rejection for at least the following reasons.

Claims 6, 19-22, 50, 57-59, 67, and 71:

1. The cited art clearly fails to teach or suggest generating the batch

configuration document comprises generating a Document Object Model (DOM) tree from each of the accessed configuration files, wherein the configuration information incorporated in the configuration document is accessed from the DOM trees generated from the plurality of configuration files.

The Examiner relied on Shafron as teaching this limitation and cites paragraphs 0005, 0032, and 0052. In the Response to Arguments section of the Office Action mailed August 23, 2007, the Examiner states, “As suggested by Shafron, one of ordinary skill in the art would employ a DOM as a matter of design choice [0032].” These paragraphs describe scripts that may be used to manipulate a Document Object Model (DOM), such as for adding functionality to a web page. This has nothing to do with generating a Document Object Model (DOM) tree from each of a plurality of accessed configuration files.

Similar remarks apply also to claims 21, 50, and 67 which recite limitations involving generating one or more DOM trees comprising information from one or more configuration files; to claims 19, 57, 58, and 71, which recite limitations involving generating a DOM tree comprising information from a batch configuration document; and to claims 20, 22, 57, 59, and 71, which recite limitations involving applying information from a DOM tree to a configuration file associated with a component, all of which the Examiner submits are taught by Shafron in paragraph [0005], [0032], and [0051]. Appellant asserts that these paragraphs do not teach all the limitations of these claims, as the Examiner’s citations have nothing to do with generating or accessing DOM trees containing information from or for configuration files.

In her Answer, the Examiner submits: “by definition, DOM a platform and language-neutral interface that will allow programs and scripts to dynamically access and update the content, structure and style documents. The combined references teach scripts that update content of software on intelligent devices.” Appellant again asserts that the Examiner’s citations and remarks do not teach the specific limitations recited in claim 6 regarding the generation of DOM trees from the configuration files of Appellant’s

claims.

2. The Examiner has not established a sufficient reason to combine the cited references to teach the limitations of these claims in his remarks regarding these claims.

In her Answer, the Examiner again submits, “As suggested by Shafron, one of ordinary skill in the art would employ a DOM as a matter of design choice [0032].” Appellant asserts that the Examiner has not provided a reason that one would make this design choice, as this passage does not even describe a reason why a DOM would be employed in the system of Shafron, much less why a DOM tree would be employed in the system of Horman and/or Mossman, as suggested.

For at least the reasons above, the rejection of claims 6, 19-22, 50, 57-59, 67, and 71 is unsupported by the cited art and removal thereof is respectfully requested.

CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-72 is erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge any fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-78701/RCK.

Respectfully submitted,

/Robert C. Kowert/

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